

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

JOHN KIRK MATTHEWS,

Plaintiff,

v.

Case No: 8:23-cv-1989-CEH-JSS

WENDY FARNIER and DAVID MITTEL,

Defendants.

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**ORDER**

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Julie S. Sneed on September 19, 2023 (Doc. 5), recommending that Plaintiff's Motion for Leave to Proceed *in Forma Pauperis* (Dkt. 2) be denied and the Complaint (Dkt. 1) be dismissed without prejudice. Plaintiff was provided a copy of the Report and Recommendation and afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed.

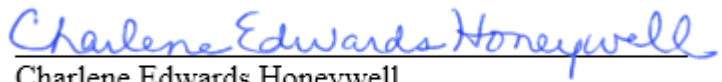
Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted, confirmed, and approved in all respects. Accordingly, it is now,

**ORDERED AND ADJUDGED:**

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 5) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.

- (2) Plaintiff's Motion for Leave to Proceed *in Forma Pauperis* (Dkt. 2) is **DENIED**.
- (3) Plaintiff's Complaint (Dkt. 1) is **DISMISSED** without prejudice. Plaintiff is granted leave to file an amended complaint that complies with the Federal Rules of Civil Procedure. Plaintiff is directed to set forth his allegations in numbered paragraphs limited as far as practicable to a single set of circumstances and state in a separate count each claim founded on a separate transaction or occurrence. *See Bryant v. Dupree*, 252 F.3d 1161, 1163 (11th Cir. 2001) ("Generally, where a more carefully drafted complaint might state a claim, a plaintiff must be given at least one chance to amend the complaint before the district court dismisses the action with prejudice.") (internal quotation and citation omitted). The amended complaint, if any, is due on or before **November 20, 2023**.
- (4) Failure to file an amended complaint within the time provided will result in the dismissal of this action.

**DONE AND ORDERED** at Tampa, Florida on October 26, 2023.

  
Charlene Edwards Honeywell  
United States District Judge

Copies to:  
The Honorable Julie S. Sneed  
Counsel of Record